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Paper No. 9

International Plant Management, Inc.
55826 60th Avenue
Lawrence, MI 49064

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APR 15 2004

In re Application of :
Way et al. :
Application No. 09/894,352 :
Filed: June 27, 2001 :
Title of Invention: 'NEWFANE CHERRY' :
CULTIVAR :

OFFICE OF PETITIONS
DECISION ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed October 8, 2003, to revive the above-identified application.

This above-identified application became abandoned for failure to timely file a reply to a non-final Office Action mailed October 2, 2002. The non-final Office Action set a three (3) month shortened statutory period for reply. No extensions of time were obtained under the provisions of 37 CFR 1.136(a). Accordingly, this application became abandoned on January 3, 2003. A Notice of Abandonment was mailed on May 20, 2003. A petition filed under 37 CFR 1.137(b) was dismissed on August 25, 2003.

This petition is hereby **GRANTED**.

This application is being forwarded to Technology Center 1661 for further processing.

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 306-0251.

Charlema R. Grant
Petitions Attorney
Office of Petitions